

FILED

SEP 04 2018

Clerk, U.S. District Court
District Of Montana
Great Falls

UNITED STATES DISTRICT COURT
DISTRICT OF MONTANA
GREAT FALLS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

COLTEN LEE SHAMBO,

Defendant.

CR-18-53-GF-BMM-JTJ

CR-18-54-GF-BMM-JTJ

FINDINGS AND
RECOMMENDATION
CONCERNING PLEA

The Defendant, by consent, has appeared before me under Fed. R. Crim. P. 11 and has entered a plea of guilty to one count of Domestic Abuse by Habitual Offender (Count I), as set forth in the INDICTMENT in CR-18-54-GF-BMM. In exchange for Defendant's plea, the United States has agreed to dismiss the INDICTMENT in CR-18-53-GF-BMM.

After examining the Defendant under oath, I have made the following determinations:

1. That the Defendant is fully competent and capable of entering an informed and voluntary plea,
2. That the Defendant is aware of the nature of the charge against him and consequences of pleading guilty to the charge in Count I of the

Indictment in CR-18-54-GF-BMM,

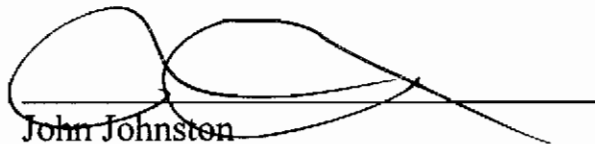
3. That the Defendant fully understands his constitutional rights, and the extent to which he is waiving those rights by pleading guilty, and

4. That the plea of guilty is a knowing and voluntary plea, supported by an independent basis in fact sufficient to prove each of the essential elements of the count charged in Count I of the Indictment in CR-18-54-GF-BMM.

The Court further concludes that the Defendant had adequate time to review the Plea Agreement with counsel, that he fully understands each and every provision of the agreement and that all of the statements in the Plea Agreement are true. Therefore, I recommend that the Defendant be adjudged guilty of Count I of the INDICTMENT in CR-18-54-GF-BMM, and that sentence be imposed. I further recommend that the INDICTMENT in CR-18-53-GF-BMM be dismissed.

This report is forwarded with the recommendation that the Court defer a decision regarding acceptance until the Court has reviewed the Plea Agreement and the presentence report.

DATED this 4th day of September, 2018.


John Johnston
United States Magistrate Judge